

Replacement Drawings:

Please substitute the attached seven sheets of formal drawings for the informal drawings filed with the original application, on July 21, 2003. No new matter has been introduced by these substitute drawings.

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of this application in view of the foregoing amendment to the specification and the following comments.

The Rejection of Claims 13-30

In the Office Action dated November 22, 2005, claims 13-30 were examined and rejected as follows:

- Claims 13-20, 23, 24, 27, and 28 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over U.S. Patent No. 6,391,231 to Evans et al. (the "Evans '231 patent"), in view of U.S. Patent No. 4,929,707 to Nagata et al. (the "Nagata patent").
- Claims 21, 22, 25, 26, 29, and 30 were rejected under 35 U.S.C. § 103(a), as allegedly obvious over the Evans et al. '231 patent in view of the Nagata patent and U.S. Patent No. 6,220,703 to Evans et al. (the "Evans '703 patent").

Applicants respectfully traverse these rejections for the reasons set forth below.

Neither the Evans '231 patent nor the Evans '703 patent is prior art to this present application. This present application is a division of U.S. Patent Application No. 09/804,785, which was filed on March 13, 2001. This effective filing date *predates* the issue dates of the Evans '231 patent and the Evans '703 patent, which were May 21, 2002, and April 24, 2001, respectively. The Evans '231 patent and the Evans '703 patent, therefore, would qualify as prior art only under 35 U.S.C. § 102(e)/103. That latter section, 35 U.S.C. § 103, provides, in part, as follows:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

At the time the presently claimed invention was made, the named inventors were subject to an obligation of assignment to Younger Mfg. Co. dba Younger Optics. At this same time, the patentable subject matter of the Evans '231 patent and the Evans '703 patent either already had been assigned, or was subject to an obligation of assignment, to this same entity, Younger Mfg. Co. dba Younger Optics. This common ownership is evidenced by the attached U.S.P.T.O. assignment records, which identify Younger Mfg. Co. dba Younger Optics as the record owner of the two patents and this present application.

Moreover, the named inventors of the Evans '231 patent are the *same* as the named inventors of this present application: Russell E. Evans, Thomas A. Balch, and Nancy L.S. Yamasaki. For this reason, the Evans '231 patent fails to disclose the invention of "another," and therefore is not prior art to this present application even if the two were not commonly owned.

For these reasons, the rejections of claims based on the Evans '231 patent and/or the Evans '703 patent are improper and should be withdrawn.

Amendments to Specification

This Amendment also substitutes a new paragraph [0001], which corrects a previous claim of priority. Specifically, new paragraph [0001] *adds* a claim of priority to parent application No. 09/804,785, now U.S. Patent No. 7,002,744, and it *deletes* a claim of priority to four earlier co-pending applications.

Applicants previously sought to make this correction in a Preliminary Amendment filed with the original application, on July 21, 2003, but that Preliminary Amendment might have set forth the substitute paragraph in an improper format.

Applicants also note that the published application, Pub. No. US 2004/00117610 A1, fails to reflect any of the amendments to the specification made by the identified Preliminary Amendment.. Applicants also note that the published application includes typographical errors in claims 21 and 22. Applicants respectfully request the Examiner to ensure that the Preliminary Amendment is properly entered in this application, such that the specification and claims have the desired form.

Substitute Drawings

This Response also submits seven sheets of substitute formal drawings for the informal drawings filed with the original application, on July 21, 2003. No new matter has been introduced by these substitute drawings.

Conclusion

For the reasons set forth above, this application should now be in condition for allowance. Issuance of a Notice of Allowance is respectfully requested. If the Examiner believes that a telephone conference with Applicants' undersigned attorney of record might expedite the prosecution of this application, he is invited to call at the telephone number indicated below.

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: _____


James R. Brueggemann
Registration No. 28,286

333 South Hope Street, 48th Floor
Los Angeles, California 90071
Telephone: (213) 620-1780 x4156
Facsimile: (213) 620-1398

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: 7002744

Issue Dt: 02/21/2006

Application #: 09804785

Filing Dt: 03/13/2001

Publication #: US20010028435

Pub Dt: 10/11/2001

Inventors: Russell E. Evans, Thomas A. Balch, Nancy L.S. Yamasaki

Title: POLARIZED OPTICAL PART USING HIGH IMPACT POLYURETHANE-BASED MATERIAL

Assignment: 1

Reel/Frame: 011631/0854

Recorded: 03/13/2001

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: EVANS, RUSSELL E.

Exec Dt: 03/09/2001

BALCH, THOMAS A.

Exec Dt: 03/09/2001

YAMASAKI, NANCY L.S.

Exec Dt: 03/09/2001

Assignee: YOUNGER MFG. CO. DBA YOUNGER OPTICS

2925 CALIFORNIA STREET

TORRANCE, CALIFORNIA 90503

Correspondent: LYON & LYON LLP

TODD R. MILLER

633 WEST FIFTH STREET, SUITE 4700

LOS ANGELES, CA 90071-2066

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Patent Assignment Abstract of Title

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Total Assignments: 2

Patent #: 6391231 Issue Dt: 05/21/2002 Application #: 09447445 Filing Dt: 11/22/1999Inventors: RUSSELL E. EVANS, THOMAS BALCH, NANCY L. S. YAMASAKI

Title: METHOD FOR SIDE-FILL LENS CASTING

Assignment: 1

Reel/Frame: 012624/0551

Recorded: 02/14/2002

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: EVANS, RUSSELL E.

Exec Dt: 01/21/2002

BALCH, THOMAS

Exec Dt: 01/21/2002

YAMASAKI, NANCY L. S.

Exec Dt: 01/21/2002

Assignee: YOUNGER MFG. CO, DBA YOUNGER OPTICS

2925 CALIFORNIA STREET

TORRANCE, CALIFORNIA 90503

Correspondent: LYON & LYON LLP

TODD R. MILLER

633 WEST FIFTH ST.

SUITE 4700

LOS ANGELES, CA 90071-2066

Assignment: 2

Reel/Frame: 016674/0468

Recorded: 08/29/2005

Pages: 11

Conveyance: SECURITY AGREEMENT

Assignor: YOUNGER MFG. CO.

Exec Dt: 06/23/2005

Assignee: COMERICA BANK

75 EAST TRIMBLE ROAD

SAN JOSE, CALIFORNIA 95131

Correspondent: ERIN O'BRIEN

4365 EXECUTIVE DRIVE

SUITE 1100

SAN DIEGO, CALIFORNIA 92121-2133

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**NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.**

Total Assignments: 2

Patent #: 6220703 Issue Dt: 04/24/2001 Application #: 09475424 Filing Dt: 12/29/1999

Inventors: RUSSELL E. EVANS, THOMAS BALCH, EDWARD A. BEELOO, NANCY L.S. YAMASAKI

Title: OPHTHALMIC LENSES UTILIZING POLYETHYLENE TEREPHTHALATE POLARIZING FILMS

Assignment: 1

Reel/Frame: 010522/0322

Recorded: 12/29/1999

Pages: 6

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: EVANS, RUSSELL E.

Exec Dt: 12/29/1999

BALCH, THOMAS

Exec Dt: 12/29/1999

BEELOO, EDWARD A.

Exec Dt: 12/29/1999

YAMASAKI, NANCY L.S.

Exec Dt: 12/29/1999

Assignee: YOUNGER MANUFACTURING CO., INC., DBA YOUNGER OPTICS

2925 CALIFORNIA STREET

TORRANCE, CALIFORNIA 90503

Correspondent: LYON & LYON LLP

TODD R. MILLER

633 WEST FIFTH STREET, SUITE 4700

LOS ANGELES, CA 90071-2066

Assignment: 2

Reel/Frame: 016674/0468

Recorded: 08/29/2005

Pages: 11

Conveyance: SECURITY AGREEMENT

Assignor: YOUNGER MFG. CO.

Exec Dt: 06/23/2005

Assignee: COMERICA BANK

75 EAST TRIMBLE ROAD

SAN JOSE, CALIFORNIA 95131

Correspondent: ERIN O'BRIEN

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